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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,139	02/18/2004	Clarisse Sjoquist	65,275-001	3386

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EXAMINER

SANDY, ROBERT JOHN

ART UNIT PAPER NUMBER

3677

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,139

Applicant(s)

SJOQUIST, CLARISSE

Examiner

Robert J. Sandy

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 12, 14, 15, 17, 20, 21, 28, 31 and 33 is/are rejected.
- 7) ☒ Claim(s) 3, 6-11, 13, 18, 19, 22-27, 29, 30, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/18/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: a reference sign pertaining to “a loop (46)” is not shown in at least one drawing figures. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 12, 14, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Heil (U.S. Patent No. 3,111,737). Heil ('737) discloses a magnetic fastener (Fig. 2) comprising: a first flap (4) of material having an inside and an exterior; a second flap (2) of material having an outside and an interior a magnetic assembly (6, 8) having a first portion (10) attached to said first flap and a second portion (6, 18) attached to said second flap for interconnecting said first flap to said second flap; said magnetic fastener characterized by a handle (16) attached to said exterior of said first flap and directly interconnected with said first portion of said magnetic assembly for allowing a person to grasp said handle and operate said magnetic assembly;

(concerning claim 2) the handle is further defined as a button (“button”, col. 1, line 52);

(concerning claim 4) the first portion of said magnetic assembly is further defined as a magnet (“permanent magnet 10”, col. 1, line 61) forming a magnetic field and attached to said inside of said first flap;

(concerning claim 5) the second portion is further defined as a magnetic element (18, “a magnetically susceptible metal such as steel”, col. 2, line 1) formed of a magnetically attractive material and attached to said outside of said second flap for receiving said magnet (26);

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(concerning claim 12) the magnetic element (18) includes a peripheral wall portion (29) and a planer wall portion (26) defining a cavity for receiving said magnet (26);

(concerning claim 14) the magnetic element further includes at least one tab (32) protruding inward from said peripheral wall portion (48) to further secure said magnet in said cavity;

(concerning claim 15) the magnet is a permanent magnet ("permanent magnet 10", col. 1, line 61) which forms said magnetic field; and

(concerning claim 17) the magnetic element is formed of a metal (i.e., "steel", col. 2, line 1).

Claims 1, 2, 20, 21, 28, 31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Brett (U. S. Patent No. 3,141,216). Brett ('216) discloses a magnetic fastener (see Figs. 5-7) comprising: a first flap (110) of material having an inside and an exterior; a second flap (111) of material having an outside and an interior; a magnetic assembly (112, 113) having a first portion (114) attached to said first flap and a second portion (131) attached to said second flap for interconnecting said first flap to said second flap; said magnetic fastener characterized by a handle (150 of member 112) attached to said exterior of said first flap and directly interconnected with said first portion of said magnetic assembly for allowing a person to grasp said handle and operate said magnetic assembly;

(concerning claim 2) the handle is further defined as a button;

(concerning claim 20) the first portion of the magnetic assembly is defined as a magnetic element (114) formed of a magnetically attractive material ("metal", col. 3, line 68) and attached to said inside of said first flap for receiving said second portion (58);

(concerning claims 21, 31 and 33) the second portion of said magnetic assembly is further defined as a permanent magnet ("ferromagnet[s]" . . . 131, col. 4, line 6, which is a permanent magnet) attached to said outside (20) of said second flap (14); and

(concerning claim 28) the magnetic element includes a peripheral wall portion (125) and a planer wall portion (127a) defining a cavity for receiving said magnet.

Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 16 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Heil ('737) in view of Good (U. S. Patent No. 5,604,960). Heil ('737) discloses the claimed fastener except for wherein the magnet includes a coating for preventing corrosion of the magnet. Good ('960) teaches a magnetic button wherein the magnet includes a coating ("coating of zinc", col. 5, line 62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the magnet of Heil (737) with a zinc coating, as taught by Good ('960) since Good ('960) states in col. 5, lines 62-67, that "It has also been found that a coating of zinc can provide protection to the magnet through the life of the garment in which the closure system 20 is placed. In an additional embodiment, zinc may be applied in a layer to the magnet to prevent corrosion, especially in applications in which the magnets will get wet or exist in a corrosive atmosphere."

Claim 32 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Brett ('216) in view of Good (U. S. Patent No. 5,604,960). Brett ('216) discloses the claimed fastener except for wherein the magnet includes a coating for preventing corrosion of the magnet. Good ('960) teaches a magnetic button wherein the magnet includes a coating ("coating of zinc", col. 5, line 62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the magnet of Brett ('216) with a zinc coating, as taught by Good ('960) since Good ('960) states in col. 5, lines 62-67, that "It has also been found that a coating of zinc can provide protection to the magnet through the life of the garment in which the closure system 20 is placed. In an additional embodiment, zinc may be applied in a layer to the magnet to prevent corrosion, especially in applications in which the magnets will get wet or exist in a corrosive atmosphere."

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Allowable Subject Matter

Claims 3, 6-11, 13, 18, 19, 22-27, 29, 30, 34 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ROBERT J. SANDY
PRIMARY EXAMINER

Robert J. Sandy
Primary Examiner
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